

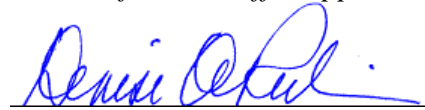
UNITED STATES COURT OF APPEALS  
SOUTHERN DISTRICT OF NEW YORK

-----X DOCKET NO.: 21MC102 (AHK)  
IN RE: LOWER MANHATTAN DISASTER SITE  
LITIGATION **NOTICE OF APPEAL**  
-----X

PLEASE TAKE NOTICE that the plaintiffs represented by WORBY GRONER  
EDELMAN & NAPOLI BERN, LLP, hereby appeal to the United States Court of Appeals for  
the Second Circuit from the August 9, 2012 Order entered in master docket 21MC102 and in the  
individual docket numbers listed on the annexed Rider (document no: 4362 in docket 21MC102).  
Plaintiffs appeal from each and every part of the subject order.

Dated: New York, New York  
September 7, 2012

WORBY GRONER EDELMAN & NAPOLI BERN, LLP  
*Counsel for Plaintiffs -Appellants*



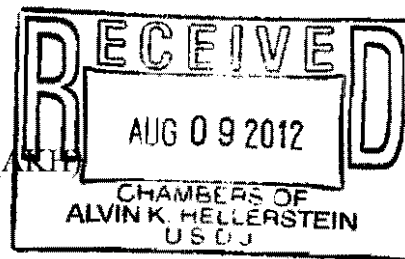
Denise A. Rubin (DR5591)  
350 Fifth Avenue, Suite 7413  
New York, New York 10118  
Phone: (212) 267-3700

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE WORLD TRADE CENTER LOWER  
MANHATTAN DISASTER SITE LITIGATION

## ORDER

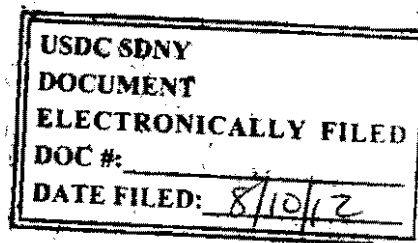
21 MC 102 (AKH)



IN RE COMBINED WORLD TRADE CENTER  
AND LOWER MANHATTAN DISASTER SITE  
LITIGATION

21 MC 103 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:



On December 22, 2011, the Court directed Defendants to move to dismiss certain Plaintiffs who, under oath, answered “None” to the court-ordered interrogatory asking “[f]or which diagnosed condition(s)/injury(s)/disease(s) does [Plaintiff] seek recovery?” Defendants made the motion on January 11, 2012. Plaintiffs opposed the motion. Upon oral argument of the motion and for the reasons set forth in the July 25, 2012 Summary Order Dismissing Cases, I hereby dismiss the 211 cases listed in the attached Schedule 1.

SO ORDERED.

Date: August 9, 2012

  
ALVIN K. HELLERSTEIN  
United States District Judge

## Schedule 1 to Order of July 25, 2012

#	Last	First	Docket Number	Counsel
1	Acevedo	Carmelo	07cv01453	Worby Groner Edelman & Napoli Bern
2	Acosta	Byron	07CV01552	Worby Groner Edelman & Napoli Bern
3	Acosta	Julian	07CV10098	Worby Groner Edelman & Napoli Bern
4	Adorno	Rene	06cv11903	Worby Groner Edelman & Napoli Bern
5	Antiaris	John	06cv09964	Worby Groner Edelman & Napoli Bern
6	Ascencio	Ivan	07cv01460	Worby Groner Edelman & Napoli Bern
7	Asmal	Angel	07cv01461	Worby Groner Edelman & Napoli Bern
8	Asmal	Carlos	07CV01462	Worby Groner Edelman & Napoli Bern
9	Asmal	Carlos	08CV02563	Worby Groner Edelman & Napoli Bern
10	Astudillo	Wilmer	07CV01561	Worby Groner Edelman & Napoli Bern
11	Austin	Daniel	06cv10542	Worby Groner Edelman & Napoli Bern
12	Avila	Edgar	07cv01464	Worby Groner Edelman & Napoli Bern
13	Avila	Norberto	07cv01465	Worby Groner Edelman & Napoli Bern
14	Baez	Fabiola	07cv01467	Worby Groner Edelman & Napoli Bern
15	Barrero	Arturo	06cv13792	Worby Groner Edelman & Napoli Bern
16	Barroso	Hector	07cv04452	Worby Groner Edelman & Napoli Bern
17	Battle	Linda	06cv00133	Worby Groner Edelman & Napoli Bern
18	Benavidez	Vincente	06CV07913	Worby Groner Edelman & Napoli Bern
19	Bikowski	Roman	06cv14496	Worby Groner Edelman & Napoli Bern
20	Bogacki	Jacek	08CV02573	Worby Groner Edelman & Napoli Bern
21	Botero	Yuly	08CV02575	Worby Groner Edelman & Napoli Bern
22	Bracic	Hava	09CV02807	Worby Groner Edelman & Napoli Bern
23	Braverman	Eric	08CV02576	Worby Groner Edelman & Napoli Bern
24	Buckley	Johnathan	06cv01654	Worby Groner Edelman & Napoli Bern
25	Buestan	Hector	07cv04456	Worby Groner Edelman & Napoli Bern
26	Bunay	Flor	08CV02577	Worby Groner Edelman & Napoli Bern
27	Caguana	Manuel	06cv11968	Worby Groner Edelman & Napoli Bern
28	Caguana	Segundo	08CV02582	Worby Groner Edelman & Napoli Bern
29	Calvinagua	Juan	07CV01574	Worby Groner Edelman & Napoli Bern
30	Cali	Lucy	08CV02583	Worby Groner Edelman & Napoli Bern
31	Calle	Gil	07CV01576	Worby Groner Edelman & Napoli Bern
32	Carroll	Neil	08CV00635	Worby Groner Edelman & Napoli Bern
33	Castillo	Antonio	09CV03449	Worby Groner Edelman & Napoli Bern
34	Castro	Maria	08CV02257	Worby Groner Edelman & Napoli Bern
35	Ceron	Armando	07CV01582	Worby Groner Edelman & Napoli Bern
36	Chalco	Joel	08CV02258	Worby Groner Edelman & Napoli Bern
37	Chauca	Maria	07cv01482	Worby Groner Edelman & Napoli Bern
38	Chavez	Edizon	07CV01585	Worby Groner Edelman & Napoli Bern
39	Chique	Maria	08CV02259	Worby Groner Edelman & Napoli Bern
40	Cobos	Angel	07cv01483	Worby Groner Edelman & Napoli Bern
41	Coello	Asdrubal	07cv01484	Worby Groner Edelman & Napoli Bern
42	Cook	William	07cv01486	Worby Groner Edelman & Napoli Bern
43	Cordova	Hector	07CV01595	Worby Groner Edelman & Napoli Bern
44	Cornier	David	07CV05406	Worby Groner Edelman & Napoli Bern
45	Coronel	Jose	07cv01487	Worby Groner Edelman & Napoli Bern
46	Cosme	Manuel	06CV12006	Worby Groner Edelman & Napoli Bern
47	Cubas	Patricia	06cv12725	Worby Groner Edelman & Napoli Bern
48	Cubero	Carmen	09CV03450	Worby Groner Edelman & Napoli Bern
49	Culcay	Rosa	07CV05346	Worby Groner Edelman & Napoli Bern
50	Cullimore	Andrew	06CV11651	Worby Groner Edelman & Napoli Bern
51	Cuomo	Anthony	07CV10756	Worby Groner Edelman & Napoli Bern
52	DeJesus	Maria	08CV02605	Worby Groner Edelman & Napoli Bern
53	Delorbe	Luciano	06cv12731	Worby Groner Edelman & Napoli Bern
54	Dominguez	Gina	08CV02608	Worby Groner Edelman & Napoli Bern

## Schedule 1 to Order of July 25, 2012

55	Douso	Joseph	07CV05407	Worby Groner Edelman & Napoli Bern
56	Drozd	Stanislaw	06cv14620	Worby Groner Edelman & Napoli Bern
57	Duchitanga	Maria	07CV01604	Worby Groner Edelman & Napoli Bern
58	Duchitanga	Manuel	07CV05287	Worby Groner Edelman & Napoli Bern
59	Duran	Ana	07cv01493	Worby Groner Edelman & Napoli Bern
60	Espinoza	Alex	08CV02614	Worby Groner Edelman & Napoli Bern
61	Fajardo	Carlos	08cv04935	Worby Groner Edelman & Napoli Bern
62	Felicetti	Frank	07CV04244	Worby Groner Edelman & Napoli Bern
63	Feliciano	Aldo	06cv11663	Worby Groner Edelman & Napoli Bern
64	Fitzpatrick	Kevin	06CV12064	Worby Groner Edelman & Napoli Bern
65	Flynn	James	06cv14652	Worby Groner Edelman & Napoli Bern
66	Frierson	Deloris	09CV03451	Worby Groner Edelman & Napoli Bern
67	Gabrielsen	Harald	07CV05169	Worby Groner Edelman & Napoli Bern
68	Gallardo	Norberto	07CV05290	Worby Groner Edelman & Napoli Bern
69	Gandia	Rosa	08cv04936	Worby Groner Edelman & Napoli Bern
70	Garces	Segundo	07cv01498	Worby Groner Edelman & Napoli Bern
71	Garcia	Sonia	07CV05358	Worby Groner Edelman & Napoli Bern
72	Garcia	Lizeth	08CV02270	Worby Groner Edelman & Napoli Bern
73	Gaspar	Peter	05cv10739	Worby Groner Edelman & Napoli Bern
74	Gavidia	Blanca	07cv04468	Worby Groner Edelman & Napoli Bern
75	Gibson	Michael	06cv14681	Worby Groner Edelman & Napoli Bern
76	Gonzalez	John	08CV02630	Worby Groner Edelman & Napoli Bern
77	Gordon	Leroy	08CV02324	Worby Groner Edelman & Napoli Bern
78	Granata	Joseph	06cv12688	Worby Groner Edelman & Napoli Bern
79	Guartambel	Jose	08cv04937	Worby Groner Edelman & Napoli Bern
80	Guerrero	Antonio	07CV05294	Worby Groner Edelman & Napoli Bern
81	Guevara	Julio	07CV05555	Worby Groner Edelman & Napoli Bern
82	Guiracocha	Samuel	06CV12120	Worby Groner Edelman & Napoli Bern
83	Harris	John	08CV02634	Worby Groner Edelman & Napoli Bern
84	Harvey	Frank	08CV02635	Worby Groner Edelman & Napoli Bern
85	Hayduk	Jeffrey	06cv05839	Worby Groner Edelman & Napoli Bern
86	Hernandez	Enrique	07CV05360	Worby Groner Edelman & Napoli Bern
87	Hernandez	Maria Cecilia	08cv05156	Worby Groner Edelman & Napoli Bern
88	Hightower	William	08CV02276	Worby Groner Edelman & Napoli Bern
89	Hunce	Peter	08CV02325	Worby Groner Edelman & Napoli Bern
90	Hurtado	William	06cv10781	Worby Groner Edelman & Napoli Bern
91	Idrovo	Manuel	07CV01628	Worby Groner Edelman & Napoli Bern
92	Inga	Luis	07cv04474	Worby Groner Edelman & Napoli Bern
93	Jablonski	Jozef	07CV01630	Worby Groner Edelman & Napoli Bern
94	Jara	Juan	07CV05363	Worby Groner Edelman & Napoli Bern
95	Jaramillo	Manuel	09CV03458	Worby Groner Edelman & Napoli Bern
96	Jimenez	Alberto	07cv04478	Worby Groner Edelman & Napoli Bern
97	Jimenez	Raul	08CV02640	Worby Groner Edelman & Napoli Bern
98	Jordan	Luis	08CV02277	Worby Groner Edelman & Napoli Bern
99	Joseph	Danny	08CV06862	Worby Groner Edelman & Napoli Bern
100	Kelly	Egerton	06cv13971	Worby Groner Edelman & Napoli Bern
101	Kessler	Mitchell	06CV12181	Worby Groner Edelman & Napoli Bern
102	King	Mechelle	07CV09008	Worby Groner Edelman & Napoli Bern
103	Klein	Joel	07CV01640	Worby Groner Edelman & Napoli Bern
104	Kmec	Lubomir	08CV02278	Worby Groner Edelman & Napoli Bern
105	Kowalczyk	Adam	06cv02252	Worby Groner Edelman & Napoli Bern
106	Lascano	Ana	05cv09333	Worby Groner Edelman & Napoli Bern
107	Leary	Annette	05cv01118	Worby Groner Edelman & Napoli Bern
108	Leon	Cesar	07CV00063	Worby Groner Edelman & Napoli Bern
109	Leonard	Thomas	07CV05559	Worby Groner Edelman & Napoli Bern



## Schedule 1 to Order of July 25, 2012

110	Lituma	Diego	07CV01648	Worby Groner Edelman & Napoli Bern
111	Llerena	Hilda	07CV01650	Worby Groner Edelman & Napoli Bern
112	Lluguay	Maria	08CV02280	Worby Groner Edelman & Napoli Bern
113	Loja	Raul	07CV01652	Worby Groner Edelman & Napoli Bern
114	Lopez	Ricardo	06cv04884	Worby Groner Edelman & Napoli Bern
115	Lopez	Oswaldo	07cv04483	Worby Groner Edelman & Napoli Bern
116	Lopez	Rolando	08CV02283	Worby Groner Edelman & Napoli Bern
117	Lott	Tyrone	05CV01203	Worby Groner Edelman & Napoli Bern
118	Macas	Veronica	07cv04485	Worby Groner Edelman & Napoli Bern
119	Marmolejo	Virgilio	07cv04488	Worby Groner Edelman & Napoli Bern
120	Marshall	Donna	07CV05417	Worby Groner Edelman & Napoli Bern
121	Martinez	Roberto	06CV12290	Worby Groner Edelman & Napoli Bern
122	Martucci	Anthony	05cv09957	Worby Groner Edelman & Napoli Bern
123	McBean	Derrick	07CV10804	Worby Groner Edelman & Napoli Bern
124	McPartland	Michael	05CV01181	Worby Groner Edelman & Napoli Bern
125	Medina	Rosa	07cv04491	Worby Groner Edelman & Napoli Bern
126	Moeller	Timothy	08CV02659	Worby Groner Edelman & Napoli Bern
127	Montero	Hamilton	06cv12791	Worby Groner Edelman & Napoli Bern
128	Moore	Edward	07CV05562	Worby Groner Edelman & Napoli Bern
129	Morales	Edwin	06cv08949	Worby Groner Edelman & Napoli Bern
130	Morales	Xiomar	07cv11022	Worby Groner Edelman & Napoli Bern
131	Moreno	Sandra	06cv14901	Worby Groner Edelman & Napoli Bern
132	Morocho	Simon	08CV02663	Worby Groner Edelman & Napoli Bern
133	Munoz	Javier	08CV02666	Worby Groner Edelman & Napoli Bern
134	Murphy	Michael	07cv05418	Worby Groner Edelman & Napoli Bern
135	Naula	Segundo	08CV02672	Worby Groner Edelman & Napoli Bern
136	Nieto	Rodolfo	08CV02674	Worby Groner Edelman & Napoli Bern
137	Nolan	Joseph	05CV01213	Worby Groner Edelman & Napoli Bern
138	O'Neill	Sean	08CV02677	Worby Groner Edelman & Napoli Bern
139	Ordonez	Julio	08CV02298	Worby Groner Edelman & Napoli Bern
140	Orozco	Haidee	07cv04498	Worby Groner Edelman & Napoli Bern
141	Ortega	Edgar	08CV02678	Worby Groner Edelman & Napoli Bern
142	Ortiz	Wilson	07CV01677	Worby Groner Edelman & Napoli Bern
143	Ozoria	Jaime	08CV02679	Worby Groner Edelman & Napoli Bern
144	Palaguachi	Rosa	07CV01680	Worby Groner Edelman & Napoli Bern
145	Papazissis	Nicholas	07CV10029	Worby Groner Edelman & Napoli Bern
146	Paredes	Walberto	08CV02302	Worby Groner Edelman & Napoli Bern
147	Paredes	Valentin	08CV02680	Worby Groner Edelman & Napoli Bern
148	Parra	Felix	07cv04506	Worby Groner Edelman & Napoli Bern
149	Peduto	Albert	07CV08927	Worby Groner Edelman & Napoli Bern
150	Pena	Alexander	07CV08929	Worby Groner Edelman & Napoli Bern
151	Pichu	Julio	06CV12411	Worby Groner Edelman & Napoli Bern
152	Pineda	Hernan	07CV05376	Worby Groner Edelman & Napoli Bern
153	Pinela	Carlos	07CV05377	Worby Groner Edelman & Napoli Bern
154	Ponce	Pedro	08CV02690	Worby Groner Edelman & Napoli Bern
155	Porrás	Raul	06cv09674	Worby Groner Edelman & Napoli Bern
156	Puma	Elsa	07cv11023	Worby Groner Edelman & Napoli Bern
157	Pumacuri	Manuel	09CV03453	Worby Groner Edelman & Napoli Bern
158	Purcell	Dan	07CV08932	Worby Groner Edelman & Napoli Bern
159	Quintanilla	Natalia	06CV01341	Worby Groner Edelman & Napoli Bern
160	Quizhpi	Segundo	08CV02246	Worby Groner Edelman & Napoli Bern
161	Raimondi	Joseph	07CV05380	Worby Groner Edelman & Napoli Bern
162	Ramirez	Michael	07CV05422	Worby Groner Edelman & Napoli Bern
163	Riera	Maximo	07cv01519	Worby Groner Edelman & Napoli Bern
164	Rizzi	Patrizio	06cv15006	Worby Groner Edelman & Napoli Bern

## Schedule 1 to Order of July 25, 2012

165	Rodriguez	William	07CV05424	Worby Groner Edelman & Napoli Bern
166	Rodriguez	Mercedes	08CV02701	Worby Groner Edelman & Napoli Bern
167	Rojas	Angel	07CV01696	Worby Groner Edelman & Napoli Bern
168	Ruales	Segundo	07cv11024	Worby Groner Edelman & Napoli Bern
169	Ruggiero	Eddie	06cv12813	Worby Groner Edelman & Napoli Bern
170	Ruggiero	James	06cv15025	Worby Groner Edelman & Napoli Bern
171	Saeteros	Milton	07cv05383	Worby Groner Edelman & Napoli Bern
172	Salinas	Angela	08CV02706	Worby Groner Edelman & Napoli Bern
173	Sanchez	Apolinar	07cv01526	Worby Groner Edelman & Napoli Bern
174	Sanguna	Luis	08CV02712	Worby Groner Edelman & Napoli Bern
175	Santamaria	Emanuel	07cv01528	Worby Groner Edelman & Napoli Bern
176	Santos	David	06cv12492	Worby Groner Edelman & Napoli Bern
177	Sarmiento	Pedro	07cv01531	Worby Groner Edelman & Napoli Bern
178	Sen	Juan	08CV02307	Worby Groner Edelman & Napoli Bern
179	Shanahan	Ken	06CV10636	Worby Groner Edelman & Napoli Bern
180	Soto	Mayie	06cv10495	Worby Groner Edelman & Napoli Bern
181	Sparano	Robert	07CV05388	Worby Groner Edelman & Napoli Bern
182	Starace	Joe	07CV08949	Worby Groner Edelman & Napoli Bern
183	Sterling	Maximino	08CV02720	Worby Groner Edelman & Napoli Bern
184	Stevens	Jake	06cv10095	Worby Groner Edelman & Napoli Bern
185	Stroud	Alex	06cv09724	Worby Groner Edelman & Napoli Bern
186	Sweeney	John	07cv01711	Worby Groner Edelman & Napoli Bern
187	Tabares	Mauricio	08CV02721	Worby Groner Edelman & Napoli Bern
188	Tamayo	Pedro	07cv01538	Worby Groner Edelman & Napoli Bern
189	Tenempagauy	Rocio	09CV03455	Worby Groner Edelman & Napoli Bern
190	Toledo	Victor	08CV02723	Worby Groner Edelman & Napoli Bern
191	Torres	Aida	08CV02309	Worby Groner Edelman & Napoli Bern
192	Trivino	William	08CV02726	Worby Groner Edelman & Napoli Bern
193	Tuapante	Manuel	06cv12589	Worby Groner Edelman & Napoli Bern
194	Uzhca	Miguel	08CV02333	Worby Groner Edelman & Napoli Bern
195	Valdez	Wilson	07cv01541	Worby Groner Edelman & Napoli Bern
196	Valdez	Rosa	08CV02727	Worby Groner Edelman & Napoli Bern
197	Vales	Vincent	06cv09236	Worby Groner Edelman & Napoli Bern
198	Vargas	Michael	06cv08566	Worby Groner Edelman & Napoli Bern
199	Vargas	Edwin	08CV11458	Worby Groner Edelman & Napoli Bern
200	Vasquez	Rommel	07cv01543	Worby Groner Edelman & Napoli Bern
201	Vergara	Viviana	06cv15116	Worby Groner Edelman & Napoli Bern
202	Vintimilla	Rosalia	08CV02317	Worby Groner Edelman & Napoli Bern
203	Viscaino	Pedro	07cv08291	Worby Groner Edelman & Napoli Bern
204	Vivar	Luis	07cv04523	Worby Groner Edelman & Napoli Bern
205	Walsh	Kevin	06cv12608	Worby Groner Edelman & Napoli Bern
206	Washington	Mannix	08CV02734	Worby Groner Edelman & Napoli Bern
207	Wragg	Clarence	06cv08125	Worby Groner Edelman & Napoli Bern
208	Zamora	Bolivar	08CV02740	Worby Groner Edelman & Napoli Bern
209	Zelaya	Jorge	07cv01730	Worby Groner Edelman & Napoli Bern
210	Zenteno	Lawrence	07cv01731	Worby Groner Edelman & Napoli Bern
211	Zugaj	Franciszek	06cv01653	Worby Groner Edelman & Napoli Bern

UNITED STATES COURT OF APPEALS  
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE: LOWER MANHATTAN DISASTER SITE  
LITIGATION

Docket No.: 21MC102 (AKH)

-----X

DENISE A. RUBIN, an Attorney duly licensed to practice before the Courts of the State of New York and a member of the Bar of this Honorable Court, hereby Declares under penalty of perjury:

On September 7, 2012, I duly served a true copy of the within NOTICE OF APPEAL on the persons listed below by e-mail transmission.

Lee Ann Stevenson  
Kirkland & Ellis, LLP  
601 Lexington Avenue  
New York, NY 10022  
[leeann.stevenson@kirkland.com](mailto:leeann.stevenson@kirkland.com)

Richard E. Leff  
McGivney & Kluger, P.C.  
80 Broad Street, 23rd Floor  
New York, New York 10004  
[rleff@mcgivneyandkluger.com](mailto:rleff@mcgivneyandkluger.com)

And upon all parties receiving electronic notification via the US District Court's ECF filing system

  
\_\_\_\_\_  
DENISE A. RUBIN

UNITED STATES COURT OF APPEALS  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE: LOWER MANHATTAN DISASTER SITE  
LITIGATION  
-----X

Docket No.: 21MC102 (AKH)

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NOTICE OF APPEAL

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**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**

*Counsel for Plaintiffs-Appellants*

350 Broadway, Suite 7413

New York, New York 10118

(212) 267-3700

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The undersigned attorney hereby certifies, pursuant to Fed. R. Civ. P. 11 and 22 NYCRR §130-1.1-a, that I have read the within papers and that to the best of my knowledge and belief they are not frivolous as that term is defined in 22 NYCRR § 130-1.1(c) and Fed. R. Civ. P. 11.

  
\_\_\_\_\_  
Attorney name: Denise A. Rubin

=====

PLEASE TAKE NOTICE:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of an \_\_\_\_\_ duly entered in the \_\_\_\_\_ office  
of the clerk of the within named court on \_\_\_\_\_ 200\_\_.

☐ NOTICE OF SETTLEMENT

that an order \_\_\_\_\_ of which the within is a true copy, will be  
presented for settlement to the HON. \_\_\_\_\_ one of the judges of the  
within named Court, at \_\_\_\_\_ on \_\_\_\_\_ 200\_\_ at \_\_\_\_\_ O'clock \_\_\_\_M.

Dated, \_\_\_\_\_

Yours, etc.

**WORBY GRONER EDELMAN & NAPOLI BERN, LLP**